

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

-----X	
GLAXO GROUP LIMITED	:
	:
Plaintiff,	:
	:
v.	:
	:
TEVA PHARMACEUTICALS USA, INC. and	:
TEVA PHARMACEUTICAL INDUSTRIES	:
LIMITED	:
Defendants.	:
	:
-----X	

Civil Action No. 04-171-KAJ

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Glaxo Group Limited ("Glaxo") and Defendants Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd. (together, "Teva") as follows:

1. Teva shall not offer for sale, sell and/or distribute in the United States, Ranitidine Oral Solution USP, 15 mg/mL, as described in Abbreviated New Drug Application ("ANDA") No. 76-937, from the date of this Stipulation and Order until at least ten (10) days after Teva provides notice via facsimile to Glaxo's counsel, Brian P. Murphy and Thomas J. Puppa, that Teva has received Food and Drug Administration ("FDA") approval of ANDA No. 76-937; except that the foregoing provision will not apply in the event that the aforementioned FDA approval of ANDA No. 76-937 is obtained after a final judgment disposing of all issues is entered in this action by this Court;
2. Glaxo reserves the right to file a motion pursuant to Fed. R. Civ. P. 65 for a *inter partes* Temporary Restraining Order and/or Preliminary Injunction enjoining Teva from offering for sale, selling and/or distributing in the United States, Ranitidine Oral Solution USP, 15 mg/mL, as described in ANDA No. 76-937,

during the ten (10) days after Glaxo's counsel receives the notice described in paragraph 1. The parties agree to seek an expedited hearing on any such motion by Glaxo as contemplated by Fed. R. Civ. P. 65.

Dated: August 15, 2006

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For Plaintiff GLAXO GROUP LIMITED

For Defendants TEVA  
PHARMACEUTICALS USA, INC. and  
TEVA PHARMACEUTICAL  
INDUSTRIES LIMITED

By: /s/ Francis DiGiovanni

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Limited*

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Pharmaceuticals USA, Inc. and Teva  
Pharmaceutical Industries Limited*

SO ORDERED this 15<sup>th</sup> day of Aug. 2006.

  
HON. KENT A. JORDAN  
UNITED STATES DISTRICT JUDGE